

CHAPTER NO. 205

HOUSE BILL NO. 443

By Representatives Kisber, McMillan, Fitzhugh, Maddox

Substituted for: Senate Bill No. 419

By Senator Crutchfield

AN ACT to amend Tennessee Code Annotated, Section 8-34-101; Section 8-34-206(b); Section 8-34-612(b); Section 8-35-101(c); Section 8-35-212; Section 8-35-215; Section 8-37-202(a)(3) and Title 10, Chapter 5, relative to Regional Library Boards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-5-101, is amended by deleting the first sentence thereof in its entirety and by substituting instead the following:

Two (2) or more counties which have qualified for participation in the State's multi-county regional library program and have been recognized as a region by the State Library and Archives Management Board, and have made the minimum local appropriation of funds as may now or hereafter be required by such management board, are hereby empowered and authorized to execute contracts with each other to create a Regional Library Board to assist the Secretary of State, acting through the Division of Public Libraries and Archives, in administering and controlling the regional library services within the region.

SECTION 2. Tennessee Code Annotated, Section 10-5-103, is amended by deleting the same in its entirety and by substituting instead the following:

Each Regional Library Board has the following duties and functions:

(1) Formulate recommendations and concur with the Secretary of State in the appointment and/or removal of the Chief Administrative Officer and the Deputy Chief Administrative Officer of the regional library program within its region;

(2) Formulate and submit to the Secretary of State recommendations concerning the annual budget for the public library service within its region;

(3) Formulate and submit to the Secretary of State recommendations on the long range plan and annual program for administering the public library service within its region; and

(4) Review the activities performed in carrying out the annual program and submit comments and recommendations to the Secretary of State regarding such activities.

SECTION 3. Tennessee Code Annotated, Section 10-5-104, is amended by deleting the same in its entirety and by substituting instead the following:

The County Legislative Bodies and Municipal Governing Bodies of counties and cities which have signed agreements for regional library services are authorized to make available to the Secretary of State, acting through the

Division of Public Libraries and Archives, such funds as may be deemed necessary to supplement the funds received by the regional library through state and federal resources. Such funds shall be expended only for the library service for which the county or city agreed in writing and for no other purpose.

(b) The Regional Library Board, acting through the Chief Administrative Officer of its regional library program, shall make a detailed report of receipts and disbursements of all funds at the first regular meeting of the Legislative Body of every participating county and the Governing Body of every participating city after the close of the State's fiscal year.

SECTION 4. Tennessee Code Annotated, Section 10-5-105, is amended by deleting the same in its entirety and by substituting instead the following:

The Chief Administrative Officer of each library program, acting under the direction of the Secretary of State and within the limitation of funds available, may employ such personnel as may be necessary for administering the public library service within the region. Any individuals so employed shall be subject to personnel policies and regulations applicable to employees of the Department of State such as leave, compensation, classification and travel requests.

SECTION 5. Tennessee Code Annotated, Section 10-5-106, is amended by deleting the same in its entirety and by substituting instead the following:

The Secretary of State, acting through the State Librarian and Archivist and the Division of Public Libraries and Archives, is authorized to accept donations and bequests on behalf of the regional library system. The Department of State shall have the authority to establish or maintain regional library accounts with financial institutions for the deposit of funds from local government sources and other donated funds for the purpose of the acquisition of library books, materials, equipment and services upon request of the Chief Administrative Officer of the respective regional library program subject to the provisions of Title 9, Chapter 4, Part 3 relative to departmental accounts.

The Secretary of State, acting through the Division of Public Libraries and Archives, may lease such real estate as may be necessary for library purposes. Any new lease entered into after the effective date of this act shall be between the State of Tennessee and the lessor and shall contain a clause that its continuance shall be subject to necessary allotments from the State Library and Archives Management Board and the availability of other funds. The State of Tennessee shall honor the remaining terms of any lease for regional library space which is in effect on the effective date of this act.

SECTION 6. Tennessee Code Annotated, Section 10-5-107, is amended by deleting the same in its entirety and by substituting instead the following:

Representation on a Regional Library Board shall not be considered or construed in any manner as mandatory upon the county by virtue of this chapter. The formation and creation of such boards shall not be construed as having any impact on the provisions of Title 10, Chapter 3, Part 1, relative to local library boards created by the Governing Body of a county, city or town.

SECTION 7. (a) Notwithstanding any provision of law to the contrary, upon the effective date of this act, all full time employees of the regional library system shall be transferred to the Tennessee Department of State and become employees of the office of

the Secretary of State in the manner provided by Tennessee Code Annotated, Section 8-30-101(a)(23).

(b) Full-time employees of regional libraries transferred to the Department of State shall be entitled to the same benefits enjoyed by other state employees, including retirement benefits, annual and sick leave, participation in any deferred compensation plan, eligibility for health and accident insurance, longevity pay, sick leave banks, bereavement leave, and all other such benefits.

(c) Full-time employees of regional libraries transferred to the Department of State shall retain their salaries existing at the time of transfer. Notwithstanding any provisions of law to the contrary, any benefits of any kind for state employees that were provided to the employees of a regional library during their employment by the regional library are hereby approved, validated and ratified from the date such benefits were conferred or given to the employees by any department, agency or institution of higher education of the State.

SECTION 8. (a) Notwithstanding any provision of the law to the contrary, any person currently employed by the Tennessee Department of State who was previously a regional employee shall be treated as a state employee as of the date of their employment with the Department of State and entitled to all benefits received by regional employees pursuant to the provisions of this act.

(b) The personnel officer or appointing authority of the employee of the regional library shall be responsible for certifying entitlement to such sick leave, annual leave, and longevity credit to the Department of State.

SECTION 9. (a) Upon joining as an employee of the State of Tennessee, pursuant to this act, regional library employees shall immediately be credited with their existing leave balances, longevity and retirement credit based on their accumulated years of service as regional library employees.

(b) The personnel officer or appointing authority of the employee of the regional library shall be responsible for certifying the accumulated balances of sick leave, annual leave, and longevity credit to the Department of State.

SECTION 10. Upon joining as employees of the State of Tennessee, regional library employees shall make the same contributions, participate in the same manner, and shall be eligible for the same benefits as state employees participating in the retirement system. Such employees shall be entitled to credit for such prior service with the Regional Library Boards.

SECTION 11. Full-time regional library employees shall be admitted to the state group insurance program without proof of insurability.

SECTION 12. For the purposes of this act, a full-time employee of a Regional Library Board is one who has an annual schedule which includes at least one thousand six hundred (1,600) hours of employment.

SECTION 13. Tennessee Code Annotated, Section 8-34-101(16)(C), is amended by deleting the words "or Regional Library Board".

SECTION 14. Tennessee Code Annotated, Section 8-34-101(18), is amended by deleting the words "or Regional Library Board".

SECTION 15. Tennessee Code Annotated, Section 8-34-206(b), is amended by deleting from the first sentence thereof the words and punctuation "Regional Library Boards,".

SECTION 16. Tennessee Code Annotated, Section 8-34-612(b), is amended by deleting the words and punctuation "or Regional Library Board,".

SECTION 17. Tennessee Code Annotated, Section 8-35-101(c), is amended by deleting from the first sentence thereof the words "or a Regional Library Board".

SECTION 18. Tennessee Code Annotated, Section 8-35-212, is amended by deleting the words "or Regional Library Board".

SECTION 19. Tennessee Code Annotated, Section 8-35-215, is amended by deleting the same in its entirety and by substituting instead the following:

8-35-215. Regional libraries. - As of the effective date of this act, all assets credited to the state accumulation fund on account of a Regional Library Board's participation in the retirement system shall be transferred to the State. Upon such transfer, the State shall be liable for the payment of any retirement allowances or other benefits on account of those individuals who were employed by a Regional Library Board prior to the effective date of this act.

SECTION 20. Tennessee Code Annotated, Section 8-37-202(a)(3), is amended by deleting the words "or Regional Library Board".

SECTION 21. The provisions of this act shall not take effect unless there is a specific appropriation in the General Appropriations Act to fund the provisions of this act.

SECTION 22. The act shall take effect on July 1, 1999, the public welfare requiring it.

PASSED: May 12, 1999


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 1999


DON SINDQUIST, GOVERNOR